REMARKS

Claims 1-43 are all the claims pending in the application.

Claims 1, 6, 7 and 19 have been amended to further clarify the claimed invention.

Claims 42 and 43 have been rewritten in independent form.

PRIOR ART REJECTIONS

The Examiner has rejected the claims as follows:

- 1, 2, 4-10, 14, 15, 18-25 and 37 under 35 U.S.C. § 102(e) as being anticipated by Balachandran et al. (U.S. Patent No. 6,208,642);

- 26-36, 40 and 41 under 35 U.S.C. § 102(e) as being anticipated by Applicant's Admitted Prior Art (APA);

- 3, 11-13, 16, 17, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Balachandran et al.; and

- 42 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Balachandran et al. in view of Gorsuch.

Claims 1, 2, 4-10, 14, 15, 18-25 and 37

Regarding the rejection of claims 1, 2, 4-10, 14, 15, 18-25 and 37 under 35 U.S.C. § 102(e) as being anticipated by Balachandran et al., Applicant traverses the rejections because Balachandran et al. fails to disclose or suggest all of the claim limitations. Specifically, at least the following highlighted limitations of the independent claims are not disclosed or suggested:

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    1.   A system for managing a session that runs in a telecommunication network and a non-telecommunication network comprising:

    ...

wherein

    said session management server is connected to the first device through the telecommunication network and is connected to the data source through the non-telecommunication network;

    and said session management server controls the flow of data from the data source to the first device;

    19.   A system for managing a plurality of sessions that run in a telecommunication network and a non-telecommunication network comprising:

    ...

wherein

    said session management server is connected to the first device through the telecommunication network and is connected to the data source through the non-telecommunication network;

    and said session management server controls the flow of data from the data source to the first device; and

    37.   ... manipulating the data while the session is still running and prior to all of the data being downloaded to the first device.

In general, Balachandran's invention is based on a "controlled network," i.e., a network in which the flows of data and/or voice are completely managed by special devices within the network. For example, Balachandran states (in column 6 lines 28~38):

    Referring again to FIG. 1, the SSPA 22 and SSPB 24 in the PSTN network 10 each include an **application message buffer** 40 that stores applications when received, as described in more detail hereinafter with respect to FIG 3A. SSPA 22 and SSPB 24 also each include a bank of modems 42 that allow the respective Subscriber A14 and Subscriber B16 to communicate voice and data traffic concurrently in the same call using a feature similar to a phone doubler system when one or more of the lines 17 are POTS lines rather than ISDN lines. ".

This clearly shows that the network that Balachandran describes has elements such as

"application message buffers" that practically enable the management of traffic flow, e.g. storing

parts of a message before transmitting it further in case the network is busy.

Furthermore, the system Balachandran describes includes elements of IN (telephony

Intelligent Network) such as SCP (element 34 in FIG 1) – Service Control Point. Thus, the

network Balachandran describes has elements that perform traffic control. There are no external

networks such as the Internet network that are involved. Therefore, no unexpected traffic flow

events are involved. This is a key factor of a manageable communication network. Such a

system enables a smooth control over data and/or voice flow.

In contrast, the claimed invention is based on an unmanageable communication network

that has many external elements and a lot of unexpected traffic flow events. One such example

of a non-telecommunication network is the Internet, which is completely an unmanaged network

as far as traffic flow is considered. Thus, the claimed invention targets a completely different

need, i.e., the need is to enable control over data and / or voice flow in an unmanageable network

that involves telecommunication end user devices, telecommunication network and a non-

telecommunication network such as the Internet.

Regarding claim 37 the cited portion of Balachandran et al. does not disclose a data

manipulation function, such as the exemplary embodiments of zooming and fast forwarding.

The Examiner appears to concede this by making a passing reference to Wolfson. However, the

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Examiner has not rejected these claims based on Woflson. Likewise, Balachandran et al. does

not disclose continuing to receive data while manipulating data.

Regarding claims 2, 4-10, 14, 15, 18 and 21-25 they should be allowable at least based on

their dependence from one or more of the claims listed above.

In addition, regarding claim 9, the cited portion of Balachandran et al. does not disclose a

key dedicated to control only the session management server. The Examiner cites to two

portions of Balachandran et al. as allegedly disclosing the claimed key. However, neither

portion discloses a dedicated key. One portion discloses an entire keyboard and the other portion

discloses the entry of a seven digit phone number.

In addition, regarding claims 15 and 18, as mentioned above, the cited portion of

Balachandran et al. does not disclose a data manipulation function, such as the exemplary

embodiments of zooming and fast forwarding. The Examiner appears to concede this by making

a passing reference to Wolfson. However, the Examiner has not rejected these claims based on

Woflson. Likewise, Balachandran et al. does not disclose continuing to receive data while

manipulating data.

Claims 26-36, 40 and 41

Regarding the rejections of claims 26-36, 40 and 41 under 35 U.S.C. § 102(e) as being

anticipated by Applicant's Admitted Prior Art (APA), Applicant traverses the rejections because

the APA fails to disclose or suggest all of the claim limitations. Specifically, at least the

following limitations are not disclosed or suggested:

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26.   A method for *managing a plurality of sessions* comprising:

initiating a first session in a first device connected to a data source;

initiating a second session in the first device while the first data session is still running;

stopping the first session in the first device; and

continuing the first session in a session management server.

40.   A method for managing a session comprising:

initiating a session in a first device connected to a data source;

stopping the first session in the first device; and

continuing the first session in a session management server.

The Examiner asserts that page 1, line 11 through page 2, line 22 discloses the claimed

invention. Applicant continues to respectfully disagree and notes that the Examiner has failed to

respond to the arguments in the Amendment of December 27, 2004. The cited portion of the

specification is shown below:

> Users, such as cellular phone users, are now demanding more out of their
> services. Users require the ability to send and receive text and data items such as
> business cards, post cards and pictures. Also, in the 3G cellular (3rd generation of
> cellular communication specifications) architecture, a new component has been
> added. This component is called Multimedia Messaging Service (MMS).
> Multimedia messaging service is the ability to send and receive messages
> comprising a combination of text, sounds, images and video to MMS capable
> handsets and computers. MMS is a component that can be connected to all
> possible networks, such as cellular networks, broad band networks, fixed line and
> Internet networks. As technology is evolving, so are the needs of its users.
>
> MMS was developed to enhance messaging based on the users' new
> demands. As stated above, this allows users of cellular phones to send and
> receive messages exploiting the whole array of media types, while also making it
> possible to support new content types as they become popular. MMS is well
> known in the telecommunications world and is standardized (see Standards

23.140 and 23.140 of the 3 GPP-3G Partnership Project at www.3gpp.org, incorporated herein by reference for a further explanation of MMS).

With these new abilities, however, come problems. One such problem is the ability to enable multiple sessions running simultaneously. In conventional devices, the handset is typically expected to be dedicated to one session. For example, users are unable to receive or make a voice call on the handset while the handset is in the middle of downloading data. *If the user takes or makes a voice call, data transmission <u>is typically stopped and has to be started again from the beginning</u>, once the voice call is completed. This problem also exists if the user wants to enable two data sessions,* for example downloading a picture and an MP3 file. There is no control feature within the picture downloading protocol that enables switching to an MP3 session.

Recently, there have been discussions about enabling incoming circuit switched calls while a wireless application protocol (WAP) session is taking place. Also, an improved version of FTP (File Transfer Protocol) has the ability to suspend file downloading and resume the downloading later on from the point at which it was interrupted. *However, these existing solutions do not enable multiple sessions running simultaneously, nor do the solutions include control commands integrated within the information flow.* (page 1, line 11 to page 2, line 24)(emphasis added).

Claim 26 specifically addresses one of the problems of the existing solutions highlighted above, i.e., enabling multiple sessions running simultaneously and integrating control commands within the data flow. Claim 26 is a method for managing a plurality of sessions that allows a first session to continue in a session management server while a second session is running in a first device. However, the FTP mentioned in the specification does not disclose or suggest *continuing* the session (or download) in a session management server. It *stops* the download, and then starts it at a later time.

Applicant also notes that the MMS standards that were drafted later by the 3GPP, did not exist at the time of the claimed invention and no signs or clues of MMS or how it would be designed and standardized, were available.

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Likewise, claim 40 requires that the first session continue in a session management server after being stopped in the first device.

Regarding claims 27-36 and 40 they should be allowable at least based on their dependence from claims 26 or 40 for at least the same reasons.

Claims 3, 11-13, 16, 17, 38 and 39

Regarding the rejections of claims 3, 11-13, 16, 17, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Balachandran et al., Applicant traverses these rejections because in addition to being allowable based on their dependence from the claims listed above, the Examiner has not cited to any reference(s) that disclose or suggest all of the claim limitations. The Examiner concedes that Balachandran et al. is deficient, but then states that she "believes" the limitations would not render the claim patentable because they merely depend on the type of system and functions one would like to use to enhance Balachandran et al. However, a mere "belief" does not provide the grounds to render a claim anticipated or obvious. Applicant notes that the Examiner makes a passing reference to Wolfson, however, the Examiner has not rejected the claims based on this reference or a combination including this reference. Applicant respectfully requests that the Examiner identify specific prior art that contains all of the claim limitations and suggestions or motivations which would have led one skilled in the art to combine the references to arrive at the claimed invention – or allow the claims.

Claims 42 and 43

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Regarding the rejections of claims 42 and 43 under 35 U.S.C. § 103(a) as being

unpatentable over Balachandran et al. in view of Gorsuch, Applicant traverses these rejections

because the cited references fail to disclose or suggest all of the claim limitations for at least the

reasons described above for claims 1 and 19. In addition, even if the two references disclosed all

of the claim limitations, one of skill in the art would not have been motivated to combine the

references to add a spoofing function into Balachandran's invention because one of skill in the art

had no reason to look for a data/voice traffic improvement. Balachandran et al. speaks only

about manageable networks such as telephony networks and therefore, there is no need to add

spoofing that helps to overcome a lack of control of traffic flow. Furthermore, Balachandran's

invention, describes a buffering element within the SSP – thus, a buffering element within the

telephony network that enables a better control of the network (as part of the control system

within the network). Adding a spoofing capability to the system (per Gorsuch) would require

adding a buffering capability as well, without improvement in performance. Hence – doing so

would have resulted in a more complicated system than Balachanan et al. without added value,

something one of ordinary skill would avoid (or actually not consider it at all).
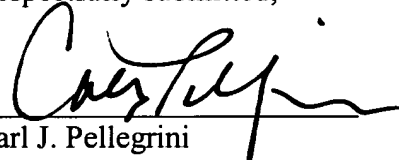
In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

Carl J. Pellegrini
Registration No. 40,766

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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23373
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Date: December 29, 2005